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JUN 26 2009

Donald Keith Ferguson

**c/o 292 Lower River Road CLERK, U.S. DISTRICT COURT
Fromberg, Montana DISTRICT OF MONTANA
BILLINGS, MONTANA**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

**Donald Keith Ferguson
Plaintiff**

Vs.

**THE UNITED STATES DISTRICT
COURT, Jack D. Shanstrum,
Patrick E. Duffey, Ryan M. Archer
Counterdefendants**

§ **Case No. CV 09-70-BLG-RFC-CSO**
§
§
§ **WRIT OF ERROR CORAM NON**
§ **JUDICE OF 'CAUSE NO. CV 09-**
§ **00070-BLG-RFC-CSO FINDINGS**
§ **AND RECOMMENDATION OF**
§ **UNITED STATES MAGISTRATE**
§ **JUDGE TO DISMISS COMPLAINT'**
§ **AND**
§ **ORDER BY PRAECIPE**
§

WRIT OF ERROR CORAM NON JUDICE

The Court of Record of one of the people proceeding in the course of the common law comes now, on its own motion, to preserve and defend the unalienable rights of one of the people of the original jurisdiction, unrepresented judicially, legislatively, or executively, and hereby issues this WRIT OF ERROR CORAM NON JUDICE OF 'FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE TO DISMISS COMPLAINT' and makes ORDER BY PRAECIPE.

REVIEW OF CAUSE OF CLAIM

1. Objections have been made to the lack of jurisdiction of the territorial and/or legislative court, THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA BILLINGS DIVISION, a court of limited jurisdiction and not a court of record. The herein "court" includes but is not limited to all magistrate judges, clerks, attorneys, etc.

“Subject matter jurisdiction cannot be waived by parties, conferred by consent, or ignored by court.” *Babcock & Wilson v. Parsons Corp.*, 430 F. 2d 531 (1970)

“Lack of subject matter jurisdiction is a defense that is never waived.” *FRCP, Rule 12(h)*3.

“Subject matter jurisdiction can never be waived and can be raised at any time, even after trial.” *Zenith Radio Corp. v. Matsushita Elec. Indus. Co., Ltd.*, 494 F. Supp. 1161 (D.C. Pa., 1980)

“Judgment of court lacking jurisdiction is void.” *Burnham v. Superior Court of California, County of Marin*, 110 S.Ct. 2105 (1990)

2. Judges, courts, prosecutors, and clerks lose their immunity when jurisdiction is taken or exceeded.

“When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.” *Rankin v. Howard*, (1980) 633 F.2d 844, cert. den., *Zeller v. Rankin*, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed. 2d 326

“A judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts. *Davis v. Burris*, 51 Ariz. 220, 75 P.2d 689 (1938)

“When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction.” *Little v. U.S. Fidelity & Guaranty Co.*, 217 Miss. 576, 64 So. 2d 697.

“No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by who it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.” *Ableman v. Booth*, 21 Howard 506 (1859)

“We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.” *Cohen v. Virginia*, (1821), 6 Wheat. 264 and *U.S. v. Will*, 499 U.S. 200.

3. In the laws for the United States in United States Code, Title 15, Section 17 “the labor of a human being is not a commodity or article of commerce.”

TITLE 18 – CRIMES AND CRIMINAL PROCEDURE PART 1-
CRIMES- CHAPTER 77 – PEONAGE AND SLAVERY

Sec. 1581. Peonage; obstructing enforcement

(a) Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined under this title or imprisoned not more than 10 years, or both. (b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be liable to the penalties prescribed in subsection (a). (*JUNE 25, 1948, ch. 645, 62 Stat. 772; Pub. L. 103-322, title XXXIII, Sec. 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-208, div.C title II, Sec. 218(a), Sept. 30, 1996, 110 Stat. 3009-573.*)

TITLE 42 – THE PUBLIC HEALTH AND WELFARE CHAPTER 21 –
CIVIL RIGHTS SUBCHAPTER I – GENERALLY

Sec. 1994. Peonage abolished

The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any person as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void. *R.S. Sec 1990*.

In the Supreme Court case of *Alonzo Bailey v. State of Alabama*, 219 U.S. 219, (1911) the court held that contracts of peonage may be voided at any time by either party because such contracts are unconstitutional.

All forms of slavery including debt bondage and peonage are prohibited by a number of treaties forbidding slavery, to which the United States is a contracting party. Examples include;

AMERICAN CONVENTION ON HUMAN RIGHTS, "PACT OF SAN JOSE COSTA RICA" (22 Nov. 1969) – Entered into force on 18 July, 1978.

Article 6. FREEDOM FROM SLAVERY.

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as is the slave trade and traffic in women.

UNIVERSAL DECLARATION OF HUMAN RIGHTS (Adopted by UN General Assembly Resolution 217A (III) of 10 December 1948)

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

SUMMARY

Contrary to the requirements of the Court of Record of one of the people proceeding in the course of common lawⁱ, the magistrate assumed the mantel of the tribunal and proceeded independently. The purpose of this writ is to restore the orderly decorum of the Court of Record of one of the people proceeding in the course of common law and to correct the usurpation of legislative and territorial process and powers taken by the magistrate but void in the Court of Record of one of the people proceeding in the course of common law. The magistrate did not have leave of court for 'FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE TO DISMISS COMPLAINT'

EXHIBITS FOR REFERENCE

Exhibit A – Cause No CV 09-00070-BLG-RFC-CSO FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE TO DISMISS COMPLAINT

Exhibit B – United States District Court Summons

Exhibit C – COURT OF RECORD

Exhibit D - TITLE 28 – JUDICIARY AND JUDICIAL PROCEDURE, PART VI – PARTICULAR PROCEEDINGS, CHAPTER 176 – FEDERAL DEBT COLLETION PROCEDURE, SUBCHAPTER A – DEFINITIONS AND GENERAL PROVISIONS

ORDER BY PRAECIPE

This Court of Record of one of the people of original jurisdiction proceeding in the course of common law orders by praecipe to wit:

1. Writ of Coram Non Judice of 'CAUSE NO. CV 09-00070-BLG-RFC-CSO FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE TO DISMISS COMPLAINT' is impeached and rescinded to preserve the integrity of the Court of Record of one of the people of original jurisdiction proceeding in the course of common law.
2. The immediate release of the man unlawfully and illegally attached and held in Case No. CR-08-107-BLGS-JDS.
3. That Donald Keith Ferguson, the only authorized spokesman and authorized signature for DONALD KEITH FERGUSON in commerce sign the charging

document for set-off, recoupment or other process so the legal title holder can close Case No. CR-08-107-BLGS-JDS and dismiss with prejudice.

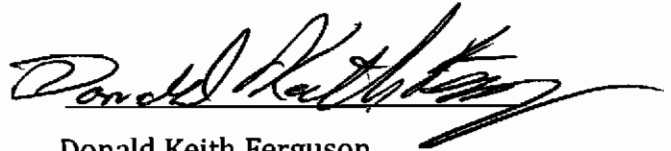
4. That the legal title holder release the value held in the name DONALD KETIH FERGUSON, Donald Keith Ferguson, or any derivative thereof for use by the authorized signature.

The orders of this Court of Record of one of the people of original jurisdiction proceeding in the course of common law must be fulfilled / implemented forthwith or show cause by affidavit how and why a man can be traded as a commodity or article of commerce in violation of all laws of justice; and
Show cause by affidavit and valid contract how all property can be held by someone other than one of the people, and then deny one of the people access to any value of that property.

Fulfill the order or show cause, or be held in contempt of court.

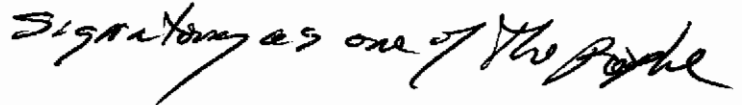
JUDGMENT IS GIVEN

Witness my hand and my words this 26th day of June, 2009.



Donald Keith Ferguson

Signatory as one of the people



Certificate of Service

On June 26th, 2009, I Donald Keith Ferguson I caused to be served by certificate of mailing first class with sufficient postage attached, the following from Donald Keith Ferguson, c/o 292 Lower River Road, Fromberg, Montana;

1. WRIT OF ERROR CORAM NON JUDICE OF 'FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE TO DISMISS COMPLAINT' AND ORDER BY PRAECIPE
2. Blank Certificate of Service

To:

Internal Revenue Service
Commissioner Douglas Shulman
1111 Constitution Ave., NW
Washington, DC 20224

Office of Special Counsel
Special Counsel Scott J. Bloch
1730 M Street NW, Suite 218
Washington, DC 20036-4505

Office of Government Ethics
Director Robert I. Cusick
1201 New York Avenue NW., Suite
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Washington, DC 20005-3917

U.S. Department of Justice
Director Torts Branch, Civil
Division
Washington, DC 20530

Administrative Office of the United
States Courts
Director James C. Duff
One Columbus Circle NE
Washington, DC 20544

U.S. Department of the Treasury
Secretary of the Treasury Timothy
F. Geithner
1500 Pennsylvania Ave. NW
Washington, DC 20220

Department of Homeland Security
Secretary Michael Chertoff
Washington, DC 20528

Merit Systems Protection Board
Chairman Neil A.G. McPhie
1615 M Street NW, Fifth Floor
Washington, DC 20419

Foreign Claims Settlement
Commission of the United States
Department of Justice, Suite 6002
600 E Street NW
Washington, DC 20579

Office of Management and Budget
Director James A. Nussle
Executive Office Building
Washington, DC 20503

State of Montana Department of
Revenue
Mitchell Building, PO Box 5805
Helena Montana 59604-5805

U.S. State Department
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Secretary of State Linda McCulloch
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Securities and Exchange
Commission
Office of Inspector General
100 F street, NE
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Judge Jack D. Shanstrum
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Billings, Montana 59101

U.S. District Court
316 North 26th Street
Billings, Montana 59101

Patrick E. Duffey, Clerk of Court
U.S. District Court
316 North 26th Street
Billings, Montana 59101

Ryan M. Archer, Assistant U.S.
Attorney
P.O. Box 1478
Billings, Montana 59103

"I declare under penalty of perjury that the foregoing is true and correct."

Date June 26th ^{Authorized} Signature Donald Keith Foy
2009